

REMARKS

Applicant respectfully requests entry and consideration of the above amendments even though presented after a final rejection. Applicant submits that the amendments do not raise new issues or require a new search. Further, entry and consideration of the amendments may isolate issues for potential allowance or appeal. The amendments were not presented earlier in the prosecution due to a better understanding of the Examiner's position as reflected in the latest Office Action.

Summary

Claims 1-29 stand in this application. Claims 1, 5, 11, 12, 16 and 20 are currently amended. Support for the current amendments may be found at least at paragraphs 0017, 0018 and Figure 3 of Applicant's Specification. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested

Claim Objections

Claims 11 and 12 have been objected to for minor informalities. Applicant respectfully requests removal of the claim objections in light of the current amendments.

Examiner Interview

Applicants would like to thank Examiner To for conducting a telephone interview with Applicants' representative on March 27, 2008. During the interview, Examiner To and Applicants' representative discussed the independent claims, the applied reference,

and the grounds of rejection. The substance of the interview is reflected by the foregoing amendments and the following remarks.

35 U.S.C. § 102

At page 4, paragraph 4 of the Office Action claims 1-29 stand rejected under 35 U.S.C. § 102 as being anticipated by United States Patent Publication 2003/0051041 to Kalavade et al. (hereinafter “Kalavade”). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

Although Applicant disagrees with the broad grounds of rejection set forth in the Office Action, Applicant has amended claims 1, 5, 11, 16 and 20 in order to facilitate prosecution on the merits. Applicant submits that the amendments merely clarify, either expressly or impliedly, what was already present in the claims.

Applicant respectfully submits that to anticipate a claim under 35 U.S.C. § 102, the cited reference must teach every element of the claim. *See* MPEP § 2131, for example. Applicant submits that Kalavade fails to teach each and every element recited in claims 1-29 and thus they define over Kalavade. For example, with respect to claim 1, Kalavade fails to teach, among other things, the following language:

establishing a protected communications channel with a trusted environment in an open platform of a computing system, the computing system providing SIM AAA capabilities without use of a discrete hardware SIM device; provisioning SIM secret data to the computing system over the protected communications channel; and providing access to a protected memory by said open platform using said AAA capabilities.

According to the Office Action, this language is disclosed by Kalavade at paragraphs 0103 and 0110-0111. Applicant respectfully disagrees.

Applicant respectfully submits that claim 1 defines over Kalavade. Kalavade at the given cite, in relevant part, states:

Other possible authentication schemes are also possible, including the following. First, for non-SIM enabled terminals, a "software" SIM can be placed on the user's terminal. This would store on the user's terminal, some of the authentication information that is typically stored on the SIM module. In this case, the SIM authentication is emulated through a "virtual" SIM on the user terminal.

As indicated above, Kalavade arguably discloses the use of a "software" SIM to authenticate a user of a terminal. More particularly, the user is authenticated to access a WLAN or LAN. By way of contrast, the claimed subject matter establishes a "protected communications channel with a trusted environment in an open platform of a computing system." Further, the claimed subject matter provides access to a protected memory using AAA capabilities. Applicant respectfully submits that Kalavade fails to teach or suggest a "trusted environment in an open platform of a computing system." Kalavade also fails to teach or suggest providing access to a protected memory using AAA capabilities. Kalavade arguably teaches "software" SIM, however, clearly fails to teach or suggest SIM capabilities implemented in a trusted environment within an open platform of a computing system. Consequently, Kalavade fails to disclose all the elements or features of the claimed subject matter. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claim 1. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 2-4, which depend from claim 1 and, therefore, contain additional features that further distinguish these claims from Kalavade.

Claims 5, 11, 16 and 20 recite features similar to those recited in claim 1. Therefore, Applicant respectfully submits that claims 5, 11, 16 and 20 are not anticipated

and are patentable over Kalavade for reasons analogous to those presented with respect to claim 1. Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claims 5, 11, 16 and 20. Furthermore, Applicant respectfully requests withdrawal of the anticipation rejection with respect to claims 6-10, 12-15, 17-19 and 21-29 that depend from claims 5, 11, 16 and 20, and therefore contain additional features that further distinguish these claims from Kalavade.

Conclusion

For at least the above reasons, Applicant submits that claims 1-29 recite novel features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

It is believed that claims 1-29 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

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Reply to Office Action of January 25, 2008

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Examiner: To, Baotran N.
TC/A.U. 2135

The Examiner is invited to contact the undersigned at 724-933-9338 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to deposit account 50-4238.

Respectfully submitted,

KACVINSKY LLC

/John F. Kacvinsky/
John F. Kacvinsky, Reg. No. 40,040
Under 37 CFR 1.34(a)

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KACVINSKY LLC
C/O Intellevate
P.O. Box 52050
Minneapolis, MN 55402
(724) 933-5529